

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BRYAN W. BATES,

Petitioner,

v.

CASE NO. 2:10-CV-420

JUDGE MARBLEY

MAGISTRATE JUDGE ABEL

ROBIN KNAB, WARDEN,

Respondent.

OPINION AND ORDER

On July 15, 2011, the Magistrate Judge issued a *Report and Recommendation*, recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be dismissed without prejudice as unexhausted, unless Petitioner notified the Court within fourteen (14) days of his intent to withdraw his unexhausted claims. Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
United States District Judge